

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BENNIE GIBSON,

Plaintiff,

-against-

EMPLOYEES, SUPERVISORS ADM. OF  
DOCTORS NURSES EAST ELMHURST  
HOSP MED STUDENTS, et al.,

Defendants.

1:19-CV-0204 (LLS)

ORDER OF DISMISSAL

LOUIS L. STANTON, United States District Judge:

By order dated September 21, 2020, the Court dismissed Plaintiff's claims under 42 U.S.C. § 1983 against staff members of the Mt. Sinai Hospital and the Lawrence Nursing Home, and any patients of the Lawrence Nursing Home, for failure to state a claim on which relief may be granted. The Court also dismissed Plaintiff's individual-capacity claims under § 1983 against staff members of the Downstate and Five Points Correctional Facilities and Elmhurst Hospital for the same reason. But the Court granted Plaintiff 30 days' leave to file an amended complaint to allege sufficient facts to state such claims, and to name the appropriate Downstate, Five Points, and Elmhurst staff members as defendants. The Court further dismissed Plaintiff's official-capacity claims under § 1983 against Downstate and Five Points staff members because those officials are immune from suit as to those claims. And the Court dismissed Plaintiff's official-capacity claims against Elmhurst staff members for failure to state a claim. (ECF 18.)

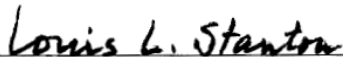
The Court warned Plaintiff that if he failed to file an amended complaint as to his individual-capacity claims under § 1983 against Downstate, Five Points, and Elmhurst staff members, the Court would dismiss those claims for failure to state a claim, and would decline to consider, under its supplemental jurisdiction, Plaintiff's claims under state law. (*Id.* at 15.)

Plaintiff has failed to file an amended complaint. Accordingly, the Court dismisses Plaintiff's individual-capacity claims under § 1983 against Downstate, Five Points, and Elmhurst staff members for failure to state a claim on which relief may be granted, and declines to consider, under its supplemental jurisdiction, Plaintiff's claims under state law.

The Court directs the Clerk of Court to mail a copy of this order to Plaintiff and note service on the docket.

SO ORDERED.

Dated: February 3, 2021  
New York, New York

  
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Louis L. Stanton  
U.S.D.J.